

Title 15. Board of Parole Hearings (formerly Board of Prison Terms)

STATEMENT OF EMERGENCY

RN 06-01

SUBJECT: CONDITIONS OF PAROLE

NOTICE IS HEREBY GIVEN that the Board of Parole Hearings (Board) proposes to amend, on an emergency basis, Title 15, Division 2, California Code of Regulations (CCR) §§ 2510, 2511, 2512 and 2513 concerning the notice of conditions of parole.

AUTHORITY

These regulations are submitted pursuant to the Board's authority under Government Code § 12838.4 and Penal Code §§ 3052 and 5076.2.

REFERENCE

These regulations are amended to implement, interpret, and/or make specific §§ 11590 of the Health and Safety Code, 186.22, 290, 457.1, 3000, 3052, 3053, 3053.2, 3053.5, 3056, 3057, 3060, 3060.5 and 12020 of the Penal Code, *Armstrong v. Schwarzenegger* (2002) USDC-ND (No. C-94-2307-CW) and *Valdivia v. Schwarzenegger* (2003) USDC-ED (No. C-94-0671-LK).

FINDING OF EMERGENCY

The Board finds that its February 22, 2006 emergency order amending 15 CCR §§ 2510, 2511, 2512 and 2513 is necessary for the immediate preservation of the public peace, health and safety, or general welfare. Parolees need clear notice of conditions of parole supervision. Adequate parole supervision reduces the risk of new crimes in the community.

The Board has determined that no reasonable alternatives identified or considered would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed regulatory action.

As these regulatory amendments are necessary in order for the Board to comply with the courts' orders as explained below, the Board intends that these amendments take effect as soon as possible, on an emergency basis, until made permanent under appropriate procedures.

BACKGROUND

The federal courts in *Armstrong v. Schwarzenegger* (*Armstrong II*), United States District Court, Northern District of California, Case No. C94-2307, and *Valdivia v.*

Schwarzenegger, United States District Court, Eastern District of California, Case No. CIV S94-0671 LKK GGH issued orders that the Board develop and implement policies and procedures that accommodate and effectively communicate with prisoners and parolees with disabilities at all parole proceedings, including parole revocation proceedings. Notice of the conditions of parole is the first step in the parole process that might lead to parole revocation proceedings.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code § 12838.4 vests the Board of Parole Hearings with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms, Narcotic Addict Evaluation Authority, and Youthful Offender Parole Board, which no longer exist.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

The intent of the amendment of §§ 2510, 2511, 2512 and 2513 is to amend Board regulations concerning conditions of parole to comply with the courts' orders in *Armstrong v. Schwarzenegger* and *Valdivia v. Schwarzenegger* that the Board develop and implement policies and procedures that accommodate and effectively communicate with prisoners and parolees with disabilities at all parole proceedings, including parole revocation proceedings. Notice of the conditions of parole is the first step in the parole process that might lead to parole revocation proceedings.

LOCAL MANDATES

The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: *None*
- Cost or savings to any state agency: *None*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*